

## REGULAR MEETING

November 14, 2005

The Regular Meeting of the Annapolis City Council was held on, 2005 in the Council Chamber. Mayor Moyer called the meeting to order at 7:38 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen, Alderwomen Hoyle, Carter

Staff Present: City Attorney Spencer, Senior Planner Jacquelyn Rouse

- Alderman Hammond moved to approve the Journal of Proceedings for October 10, 2005 Regular, October 19, 2005 Special and October 24, 2005 Special. Seconded. CARRIED on voice vote.

## PETITIONS, REPORTS AND COMMUNICATIONS

Tom Corboy, 16 Spa View Circle, Annapolis, Maryland 21401 representing Ward One Residents Association spoke in favor of 0-11-05 & 0-36-05

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401 spoke in favor of R-16-05 and regarding traffic lanes on Old Forest Drive and Chinquapin Round Road

Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401 representing Murray Hill Residents Association spoke in favor of 0-11-05

Forrest Mays, 2646 Mas-que Farm Road, Annapolis, Maryland 21401 Spoke against R-16-05

John Birchfield, 3 Munroe Court, Annapolis, Maryland 21401 representing Presidents Hill Community Association spoke in favor of 0-11-05

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 regarding 0-36-05, 0-11-05 & 0-34-05

Vincent A. Mulieri, 170 West Street, Annapolis, Maryland 21401 spoke against 0-11-05

Christopher Beard, 412 Fox Hollow Lane, Annapolis, Maryland 21403 spoke against 0-11-05

Alan Hyatt, 1919 West Street, Annapolis, Maryland 21401 spoke against 0-11-05

Brian Cahalan, 49 West Street, Annapolis, Maryland 21401 spoke against 0-11-05

## LEGISLATIVE ACTION

### CHARTER AMENDMENT

**CA-1-05 For the purpose of amending the Charter of the City of Annapolis to remove responsibility for management of the MarketHouse from the Department of Central Services.**

- Alderman Tolliver moved to adopt CA-1-05 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on CA-1-05.

The main motion DEFEATED on voice vote.

### ORDINANCES

**O-11-05 For the purpose of establishing height limitations for structures in specified areas of the MX district; providing for limitations regarding alcoholic beverage licenses in specified areas of the MX district; establishing requirements regarding the demolition of buildings and structures within the MX district; grandfathering standards for setbacks for certain buildings within the MX district; and matters generally relating to the MX District.**

- Alderman Hammond moved to adopt O-11-05 on second reading. Seconded.

The Rules Committee reported unfavorably on O-11-05.

- Alderman Hammond moved to substitute O-11-05 revised. Seconded.

A Roll Call Vote was taken:

YEAS: Mayor Moyer, Alderman Hammond, Tolliver, Cohen

NAYS: Alderwomen Hoyle, Carter, Alderman Cordle, Fox

ABSTAIN: Aldermen Kelley

DEFEATED: 4/4/1

- Alderman Tolliver moved to table O-11-05 until November 28, 2005. Seconded. CARRIED on voice vote.

**O-15-05 For the purpose of requiring for reconstruction and new construction that any exterior façade shall be reviewed, signs shall be posted for at least 15 days announcing exterior changes, single-family residences in excess of 3,250 square feet are subject to standard use, side yard setbacks on lots of 50 feet and wider are increased from 20 to 25 percent of the lot width; building height is limited to maximum of 26 feet or the average height of all structures on the block, three additional standards for height by which to judge the design of a structure built to the allowable height behind the ridgeline must be met, additional findings are required by the Department of Planning and Zoning; and that with respect to demolitions, the Director of Planning and Zoning may have conducted a structural analysis, a definition of demolition is established, adjacent property owner notification distance is increased from 200 to 300 feet, the posting period is increased from 10 to 30 days; and matters generally relating to the requirements of the Residential Conservation Overlay.**

- Alderman Cohen moved to adopt O-15-05 on second reading. Seconded.

The Planning Commission & Rules Committee reported favorably with amendments on O-15-05.

- Alderman Cohen moved to substitute O-15-05 revised. Seconded. CARRIED on voice vote.

- Alderman Cohen moved to amend O-15-05 revised as follows:

On page 5, line 30, “strike” a signed building permit and “substitute” site design review approval. Seconded. CARRIED on voice vote.

The main motion revised as amended CARRIED on voice vote.

- Alderman Cohen moved to adopt O-15-05 revised as amended on third reading. Seconded. CARRIED on voice vote.

**O-18-05 For the purpose of authorizing the lease of the McNasby's/Bargehouse site to the Annapolis Maritime Museum, Inc., subject to certain terms, provisions, and conditions, for the purpose of locating and operating a museum therein; and matters generally relating to said lease.**

- Alderman Fox moved to adopt O-18-05 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-18-05.

- Alderman Cohen moved to amend O-18-05 revised as follows:

To amend the lease to include on page 8 in line 37, after the word above “insert the following ” within 30 days of completion of the first stage of renovations to the property at an estimated investment of \$ 500,000. the lessee shall also apply for secure flood insurance from the Federal Emergency Management Agency National Flood Insurance Program in the minimum amount of \$ 250,000. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Fox moved to adopt O-18-05 as amended on third reading. Seconded. CARRIED on voice vote.

**O-24-05 For the purpose of designating critical block parking on a temporary basis within Special Residential Parking District No. 1 where parking is permissible only for residents on weekends and overnight; and matters generally relating to said parking on critical blocks.**

- Mayor Moyer moved to have O-24-05 withdrawn. Seconded. CARRIED on voice vote.

**O-26-05 For the purpose of establishing a Undergrounding Utilities Fund to provide a dedicated funding mechanism for the undergrounding of utilities in the Historic District; and matters generally relating to said fund.**

- Alderman Hammond moved to adopt O-26-05 on second reading. Seconded.

The Finance Committee reported favorably on O-26-05.

The main motion CARRIED on voice vote.

- Alderman Hammond moved to adopt O-26-05 on third reading. Seconded. CARRIED on voice vote.

**R-24-05 For the purpose of increasing the fee for utility poles in streets from \$50 per year to \$70 per year; and matters generally relating to said utility pole fee. (Travels with O-26-05)**

- Alderman Hammond moved to adopt R-24-05 on second reading. Seconded.

- Alderman Cordle moved to amend R-24 -05 as follows:

To add in purpose clause after the word for the word each and remove the letter “s” from the word poles and to delete in streets. Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

- Alderman Tolliver moved to reconsider R-24-05 for the purpose of

considering an amendment. Seconded. CARRIED on voice vote.

- Alderman Fox moved to amend R-24-05 to change the date in line 36 from FY 2005 to FY 2006. Seconded. CARRIED on voice vote.

**O-27-05 For the purpose of including Federal property within the boundaries of the City; and matters generally relating to said City boundary.**

- Alderman Tolliver moved to table O-27-05 indefinitely. Seconded. DEFEATED on voice vote.
- Alderman Fox moved to table O-27-05 until the letter from the Regional Office of the Navy has been received by the City. Seconded. CARRIED on voice vote.

**O-28-05 For the purpose of specifying the manner in which sponsors of legislation are identified on proposed and adopted legislation; and matters generally relating to said sponsor identification.**

- Alderman Hammond moved to adopt O-28-05 on second reading. Seconded.

The Rules Committee reported favorably on O-28-05.

The main motion CARRIED on voice vote.

- Alderman Hammond moved to adopt O-28-05 on third reading. Seconded. CARRIED on voice vote.

**Non-standard Vehicles**

**O-31-05 For the purpose of improving the safety of pedestrians, traffic, and animals through the establishment of regulations for nonstandard vehicles such as horse carriages, operators of nonstandard vehicles, and any animals used to power nonstandard vehicles; deleting specific pedicab regulations and subsuming within nonstandard vehicles; and matters generally relating to said nonstandard vehicles.**

Without objection O-31-05 was postponed until November 28, 2005

**R-26-05 For the purpose of establishing fees for Nonstandard Vehicle Permits and Nonstandard Vehicle Operator Permits; and matters generally relating to said fees. (Travels with O-31-05)**

Without objection R-26-05 was postponed until November 28, 2005

**R-27-95 For the purpose of revising the Fees Schedule to replace the fine for pedicabs with a fine of the same amount for nonstandard vehicles; and all matters relating to said penalty. (Travels with O-31-05)**

Without objection R-27-05 was postponed until November 28, 2005

**O-32-05 For the purpose of specifying that the personal property tax rate shall be 2.5 times the rate established for real property; and matters generally relating to said personal property tax rate.**

- Alderman Hammond moved to adopt O-32-05 on second reading. Seconded.

The Finance Committee reported favorably with amendment on O-32-05.

- Alderman Fox moved to amend O-32-05 as follows:

To change to effective date to July 1, 2006. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Hammond moved to adopt O-32-05 as amended on third reading. Seconded. CARRIED on voice vote.

**O-33-05 For the purpose of authorizing the City to lease certain municipal property to First Night Annapolis, Inc. (FNA) on and around New Year's Eve 2006; approving the provision of City services to FNA for less than full costs; and all matters relating to said lease.**

Without objection O-33-05 was postponed until November 28, 2005

**O-34-05 For the purpose of strengthening standards for storage in the outside areas of residential properties; and matters generally relating to outside storage.**

Without objection O-34-05 was postponed until November 28, 2005

**O-36-05 For the purpose of authorizing the lease of the MarketHouse to a Master Tenant for a certain period of time, subject to certain terms, provisions, and conditions; and all matters relating to said lease.**

Without objection O-36-05 was postponed until November 28, 2005

**O-37-05 For the purpose of expanding eligibility for Moderately Priced Dwelling Units (MPDUs) from teachers in schools located only within the City's boundaries to all teachers at any school located in the Annapolis Senior High School district; and all matters generally relating to said eligibility for MPDUs.**

- Alderwoman Carter moved to adopt O-37-05 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

## **RESOLUTIONS**

**R-36-05 For the purpose of approving the re-designation of a Community Legacy Areas and application and receipt of financing for Community Legacy Plans and Community Legacy Projects in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland.**

- Alderman Tolliver moved to adopt R-36-05 on second reading. Seconded. CARRIED on voice vote.

**R-38-05**      **For the purpose of awarding a supplemental retirement benefit of two hundred fifty dollars (\$250) per month to Marge Geaglone pursuant to the provisions of Article VIII, Section 5 of the Charter of the City of Annapolis; and all matters relating to said supplemental retirement benefit**

- Alderman Hammond moved to adopt R-38-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

**R-39-05**      **For the purpose of supplementing pay and extending employee benefits to City employees who have been called to active duty with the Armed Forces as a result of international conflicts and national disaster recovery and protection efforts; and all matters relating to said supplemental pay and benefits.**

- Alderman Hammond moved to adopt R-39-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

**R-40-05**      **For the purpose of approving the form and authorizing the execution, issuance and delivery of a general obligation installment bond of the City of Annapolis (the "Borrower") in the principal amount of Nine Hundred Twenty Two Thousand Seven Hundred Sixty Three Dollars (\$922,763) for the purpose of refinancing the Borrower's Water Quality Bond, Series 1993A (the "Series 1993 Bond"), such bond to be designated City of Annapolis Amended and Restated Water Quality Bond, Series 1993 (the "Amended Bond"); prescribing the form and tenor of the Amended Bond; authorizing the execution and delivery of an amendment to the Loan Agreement dated June 1, 1993, between the Borrower and the Maryland Water Quality Financing Administration (the "Administration"); prescribing the form of such Loan Agreement amendment; providing for the prompt payment of the maturing principal of and interest on the Amended Bond; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on such Amended Bond; and generally relating to the issuance and delivery of such Amended Bond.**

- Alderman Hammond moved to adopt R-40-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

#### **Annapolis Neck Annexation**

**R-37-05**      **For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is generally located between Quiet Waters Park, Hunt Meadow, Annapolis Overlook and on Forest Drive next to Forest Village Apartments; and matters generally related to said annexation. (Travels with O-38-05)**

- Alderwoman Carter moved to adopt R-37-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

**O-38-05 For the purpose of establishing a zoning classification of R1-B, Single Family Residence, for certain property which is contiguous to the existing boundary of the City, is owned by QW Properties, LLC, and is generally located south of the split between Forest Drive and Old Annapolis Neck Road; and all matters relating to said zoning map amendment. Apartments; and matters generally related to said annexation. (Travels with R-37-05)**

- Alderman Fox moved to adopt R-38-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

The meeting was recessed at 9:30 p.m. and reconvened at 9:36 p.m.

**R-16-05 2<sup>nd</sup> R. For the purpose of establishing a moratorium on the City's annexation of land, pending the adoption by the Annapolis City Council of policies to guide annexation decisions.**

- Alderman Hammond moved to adopt R-16-05 on second reading. Seconded.
- Alderman Cohen moved to amend R-16-05 as follows:

Amendment #2

On page 2, strike lines 1 through 12 and substitute the following:

WHEREAS, Annapolis recognizes the importance of controlling development in its vicinity to ensure that new development occurs in a manner respectful of the convenience and general welfare of citizens of Annapolis and the surrounding areas; and

WHEREAS, It is post-annexation development, not annexation itself, that creates the growth-related impacts of such concern to citizens in Annapolis and the surrounding areas; and

WHEREAS, the City Council recognizes the importance of striking a balance between controlling development through annexation and ensuring that municipal services are adequate; and

WHEREAS, the City Council is concerned that post-annexation development decisions made without careful and coordinated policy and rationale may compromise the quality of life in Annapolis and the surrounding areas; (this whereas is amended from the existing last whereas in the resolution).

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that there is a moratorium on the processing of development applications on land annexed into the City of Annapolis after March 14, 2005; that the City Council will convene meetings or develop a process to involve City and County officials to consider policies to govern growth and development in the Annapolis Neck; that the moratorium will continue until the City Council adopts through a legislative act policies and guidelines addressing the adequacy of public facilities and imposing adequacy of public facilities tests on new development; and that such legislation

should include but not be limited to impacts upon traffic, roads, public utilities, emergency response services, schools, recreation and parks, the environment, and stormwater management. Seconded.

- Alderman Cohen moved to amend the amendment for R-16-05 as follows:

On page 1, line 14 strike annexation of land and substitute development of recently annexed land

&

On lines 15 thru 16, strike policies to guide annexation decisions and “substitute” policies and guidelines addressing and imposing adequacy of public facilities test on new development. Seconded. CARRIED on voice vote.

- Alderman Fox moved to amend the amendment for R-16-05 as follows:

Now therefore be it resolved by the Annapolis City Council there is a moratorium on the process of development applications on land annexed comprising of parcels of 1 acre or more in the City of Annapolis after March 14, 2005. Seconded.

A Roll Call Vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Carter, Alderman Cordle, Fox  
NAYS: Alderman, Hammond, Tolliver Kelley, Cohen

CARRIED : 5 / 4

The main motion amended CARRIED a Roll Call vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Carter, Alderman Cordle, Fox, Cohen  
NAYS: Alderman, Hammond, Tolliver, Kelley

CARRIED : 6 / 3

- Alderman Tolliver moved to confirm that the amendments just passed substantively changes R-16-05. Seconded. CARRIED on voice vote.
- Alderman Cordle moved to have a Public Hearing and Legislative Action on R-16-05 on November 28, 2005. Seconded. CARRIED on voice vote.

Senior Planner Jacquelyn Rouse was present and answered questions from Council.

### **BUSINESS AND MISCELLANEOUS**

#### **1. Payment of Monthly Bills**

- Alderman Kelly moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:23 p.m.

Regina C. Watkins-Eldridge, CMC  
Acting City Clerk